

REMARKS

Claims 34, 44 and 48 have been amended. Claim 47 has been canceled. Accordingly, Claims 34-46, 48, and 52-61 are pending and are submitted for further consideration.

Claims 34 and 44, as amended, recite "providing an edible oil comprising (i) at least one of a tocotrienol and a tocopherol, (ii) at least one of a free sterol and a steryl ester, and (iii) a cycloartenol, wherein the ratio of (i):(ii):(iii) ranges from 1:0.5:0.5 to 1:5:0.5." Claim 52 recites "an oil comprising (i) about 10 to 30% of tocopherols, tocotrienols or combinations thereof, (ii) about 2 to 20% of free sterols; (iii) about 2 to 20% of sterol esters; (iv) about 0.1 to 1.0% of cycloartenols, wherein all percentages are weight/weight." Claim 57 recites "a mixture of (i) at least one tocotrienol or tocopherol; (ii) at least one free sterol or sterol ester; (iii) at least one cycloartenol." No single references discloses a composition having the claimed components. To reject the claims, the Office Action relies on the combination of three references: Jandacek, Imai and Lane. The Office Action states that Jandacek discloses an edible oil composition comprising plant sterols (sterols and stanols), Imai discloses the use of sterols such as campesterol stigmasterol, sitosterol and cycloarterol, and Lane discloses the use of tocotrienols and tocotrienol-like compounds. The Examiner states that since each of the cited composition components are known to treat and prevent hypercholesterol in humans, it would have been obvious to combine the components of Jandacek, Imai and Lane to form a new composition having additive therapeutic effects.

Applicant respectfully submits that, even if, *arguendo*, Jandacek, Imai and Lane disclosed the separate components of the claimed composition, the claimed invention would still be patentable because (1) the prior art teaches away from the combination of the cited references; and (2) even if combined, the references do not teach the claimed invention.

The Examiner states that it would have been obvious to combine the components of Jandacek, Imai and Lane to form a new composition having additive therapeutic effects. The obviousness of simply combining the references is negated by Qureshi's data, discussed on pages 5-6 of the application and published in Lipids et al, 30:1179-1183 and Lipids 30 (12)

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1171-1177. Copies of the Qureshi references are enclosed. Qureshi states that tocopherol fractions inhibit the anticholesterolemic effect of tocotrienols. Therefore, combining ingredients was known to result in a partially inactivated material. These references teach away from the combination of ingredients. Applicant's inventive composition, at the ratios and weight percentages specified, has a synergistic effect that avoids the problems faced by Qureshi. Accordingly, in view of Qureshi's statements, it would not have been obvious to one skilled in the art to combine the teachings of Jandacek, Imai and Lane.

Furthermore, even if the references are combined, none of the references either individually or in combination disclose the ratios and weight percentages specified. The Examiner acknowledges that the prior art does not disclose the ratios and percentages but states (without citation) that it would have been obvious for one having ordinary skill in the art to employ those weight percentages. Again, in view of Qureshi, it would not have been obvious to combine the individual components, let alone combining them in the ratios and weight percentages specified.

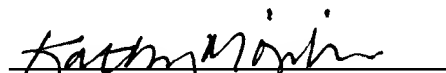
In view of the foregoing, Applicant respectfully submits that the claims are in condition for allowance.

Should there be any questions regarding this application, Examiner Jiang is invited to contact the undersigned attorney at the telephone number listed below.

Respectfully submitted,

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